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A trust betrayed

The Central Intelligence Agency (CIA) opened, read and copied more than 200,000 first-class letters addressed by or to Americans from 1953 to 1973. The law during that 20-year period prohibited unauthorized tampering with the mails. The Department of Justice has concluded, however, that no one should be prosecuted.

The department gave its reasons in a 57-page report. It said prosecution would be unlikely to succeed, chiefly because of the status of the law concerning "national security" during the time of the mail-opening.

The department pointed out that the mail-opening participants could claim they thought the project had presidential authorization, which the department believes would have been a legally-valid reason at the time. The department said that to get a conviction it would have to prove beyond a reasonable doubt that no president had approved the mail surveillance.

Such proof would not be possible, in the department's judgment, because of the CIA's practice of carefully shielding presidents from involvement in covert activity. No records were kept of presidential approval of questionable CIA conduct in keeping with the policy of giving presidents "deniability."

The CIA's mail-opening was an outrage. The agency examined the mail of ordinary citizens, members of Congress, the American Friends Service Committee, academics, scientists and authors. Few internal controls existed. The agency rummaged at will through the mail of many Americans who were not associated in any way with threats to the "national security." Internal CIA documents show that agency officials themselves believed the mail-opening to be illegal.

It is some comfort — but not much — that the Justice Department believes that court rulings and executive orders make it impossible for anyone to engage in such conduct today and to avoid prosecution.

More comfort may be provided by several civil suits filed both against CIA officials responsible for the mail-opening and against the U.S. government. The suits ask money damages for invasion of privacy and for a purge of government files of material obtained from the mail surveillance.

We wish the plaintiffs luck. There should be some recourse for persons who put their trust in the privacy of the mails and had their trust betrayed.

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